

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SUPERIOR BIOLOGICS NY, INC.,

Plaintiff,

20 CIVIL 5291 (KMK)

-against-

JUDGMENT

AETNA, INC. et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion & Order dated September 08, 2022, Defendants' Motion To Dismiss pursuant to Rule 12(b)(1) is granted, and the Amended Complaint is dismissed. Because Plaintiff has already amended its Complaint, the Amended Complaint is dismissed with prejudice. *See Denny v. Barber*, 576 F.2d 465, 471 (2d Cir. 1978) (holding that the plaintiff was not entitled to "a third go-around"); *Melvin v. County of Westchester*, No. 14-CV-2995, 2016 WL 1254394, at *24 n.19 (S.D.N.Y. Mar. 29, 2016) (granting motion to dismiss with prejudice where "[the] [p]laintiff has already had two bites at the apple, and they have proven fruitless" (alteration and internal quotation marks omitted)).; accordingly, this case is closed.

Dated: New York, New York
September 08, 2022

RUBY J. KRAJICK

BY:

Clerk of Court



Deputy Clerk